

INSTITUTE FOR PROFESSIONALS IN TAXATION®

Income Tax Symposium

**November 9 – 12, 2014
Marriott Harbor Beach Resort & Spa
Fort Lauderdale, Florida**



PROGRAM

SUNDAY, NOVEMBER 9

- 4:00 p.m. – 7:30 p.m. Registration
- 6:00 p.m. – 7:30 p.m. **Welcome Reception**
Sponsored by:
McDermott Will & Emery LLP

MONDAY, NOVEMBER 10

- 6:45 a.m. – 8:00 a.m. Continental Breakfast
(for attendees staying under IPT's hotel room block)
- 8:00 a.m. – 8:30 a.m. **▣Opening of Symposium**
- Program Co-Chairs:**
Jordan M. Goodman, Esq., CPA
Partner
Horwood Marcus & Berk Chartered
Chicago, Illinois
- April M. Nevarez, CMI**
Senior Manager - Income Taxes
XO Communications, LLC
Herndon, Virginia
- Welcome by IPT President:**
Arthur E. Bennett, CMI
Vice President-National Property Tax Services
Property Tax Assistance Co., Inc.
Bellflower, California
- 8:30 a.m. – 9:30 a.m. **▣General Session**
What's the Connection between Income and Property Taxes?
- This talk will address the income tax developments in states from a policy prospective. It will cover both the conservative and liberal side of the aisles and contrast those philosophical approaches with the actual actions by the state legislatures.
- At the end of this session, the attendee will be able to:
- Comprehend the philosophical objectives to state income taxation
 - Appreciate the approach by legislatures to meet fiscal responsibilities and balance philosophical desires
 - Analyze the conflicts in tax philosophy versus tax reality
- Speaker:*
David Brunori, Esq.
Deputy Publisher
Tax Analysts
Falls Church, Virginia

MONDAY, NOVEMBER 10 (continued)

9:30 a.m. – 9:45 a.m. Break

9:45 a.m. – 10:45 p.m.

▣General Session

Effective Use of Technology in the Tax Department, Part I

Tax departments are faced with a number of internal and external challenges in a consistently evolving regulatory landscape. These challenges can become risks, lead to inefficiencies, and deplete resources. If properly addressed, these challenges can also provide opportunities for improvement. Proper utilization of technology can increase agility, operational efficiency and effectiveness across planning, provision, compliance and audit functions. Before implementing additional technology, tax departments should consider performing an analysis to identify challenges unique to their department, evaluating existing technology and processes, and employing change management techniques in order to best facilitate success.

At the end of this session, the attendee will be able to:

- Identify challenges and opportunities related to the tax function
- Describe how technology can help address challenges and opportunities identified
- Cite best practices for analyzing and evaluating technology options

Speakers:

Jay O. Turchin

Director - Tax Function Optimization
NE Practice Lead
Grant Thornton LLP
New York, New York

Jeffrey A. White

Managing Director, Tax Accounting and Risk
Advisory Services
Grant Thornton LLP
Los Angeles, California

10:45 a.m. – 11:00 a.m. Break

11:00 a.m. - 12:00 p.m.

▣General Session

Effective Use of Technology in the Tax Department, Part II

Once tax departments have performed an analysis of existing technology, processes and resources they can begin to evaluate options that will allow them to better utilize existing technology or integrate additional technology. Presenters will provide examples of successful technology implementation projects and process improvements.

At the end of this session, the attendee will be able to:

- Differentiate tools and technology that can increase efficiency, effectiveness and enable tax department's to make strategic decisions

- Recognize value added solutions and ideas that may be applied to the attendee's own organization

Speakers:

Anthony Sciarra

Senior Tax Director, Chief Operating Officer
AIG
New York, New York

Jeff Troyer, CPA

Manager - Sales, Use & Excise Taxes
General Electric Company
Fort Myers, Florida

David Yuen

Tax Operations Manager
Advance Finance Group, LLC
New York, New York

12:00 p.m. – 1:30 p.m.

Lunch

1:30 p.m. – 2:45 p.m.

General Session

Tax Department Management

Many companies struggle with the ever-increasing burdens of federal, state, local and foreign tax jurisdiction compliance. Often, compliance can cost more than the tax liability for the jurisdiction. Deciding how best to handle tax filing obligations is complex and requires analysis of both financial and non-financial matters. This course is designed to analyze the costs and benefits associated with having an in-house tax department versus an out-sourced tax department.

At the end of this session, the attendee will be able to:

- Analyze the advantages and disadvantages of:
 - In-House Tax Department
 - Costs (Salary, benefits, space and logistics issues)
 - Hiring and retention issues (professional vs. clerical, training, skill levels, management/review/oversight of: personnel, processes and tax returns)
 - Technology issues (hardware/software costs and the day-to-day technology management.
 - Outsourced Tax Department
 - Cost vs. In-House
 - Continuity of out-sourced staff
 - Day-to-Day administration and management (Loss of control)

Speakers:

Robert J. Burkett

Executive Director of Tax
XO Communications LLC
Herndon, Virginia

Robert M. Hersh, CPA
Vice President of Tax
Southern Wine & Spirits of America, Inc.
Miami, Florida

Hollis L. Hyans, Esq.
Partner
Morrison & Foerster LLP
New York, New York

2:45 p.m. – 3:00 p.m.

Break

3:00 p.m. – 4:00 p.m.

General Session

Is the Resurgence of the Due Process Clause Fact or Fiction?

The emphasis in recent years has been on the Commerce Clause. This session will evaluate the practical aspects of the resurgence of the Due Process Clause and address the practical application of the Due Process Clause analysis in SALT litigation.

At the end of this session, the attendee will be able to:

- Have a comprehension of the extent of the application of the Due Process Clause
- Have a comprehension of the current Supreme Court view of the differences between Due Process concepts and Commerce Clause concepts
- Have a comprehension of the practical applications of both the Due Process and Commerce Clause concepts when challenging a nexus determination

Speakers:

Jaye A. Calhoun, Esq.
Member
McGlinchey Stafford PLLC
New Orleans, Louisiana

Jack Trachtenberg, Esq.
Counsel
Reed Smith LLP
New York, New York

4:00 p.m. – 5:00 p.m.

General Session

Nonbusiness Zen: To Achieve Nonbusiness, You Must First Know Your Business

This session will explore the states' approach to distinguishing between business and nonbusiness income. The session will address the constitutional underpinnings to this topic, as well as recent trends in state litigation and legislation.

MONDAY, NOVEMBER 10 (continued)

At the end of this session, the attendee will be able to:

- Comprehend the difference in tax treatment between business and nonbusiness income
- Appreciate the distinctions between the transactional and the functional test
- Obtain an overview of the relevant constitutional framework
- Learn about recent state court decisions addressing business vs. nonbusiness income.

Speakers:

Paul Buchman, Esq.

Senior Director - State Taxes
Tyco International Ltd.
Boca Raton, Florida

John Paek, Esq.

National Partner
Baker & McKenzie LLP
Palo Alto, California

6:00 p.m. – 7:30 p.m.

Reception

Sponsored by:

Morrison & Foerster LLP

TUESDAY, NOVEMBER 11

6:45 a.m. – 8:00 a.m.

Continental Breakfast
(for attendees staying under IPT's hotel room block)

8:30 a.m. – 10:00 a.m.

General Session

My Apportionment Ratio No Longer Has Anything to do with my Activity in the State

It is increasingly common for taxpayers to suddenly realize that a given state's standard apportionment rules no longer accurately reflect the nature or extent of the company's operations in that jurisdiction. This may occur suddenly or over time, and can arise for a variety of reasons. Perhaps the nature of the company's operations has changed over time and has gradually moved away from the principles underlying the standard rules, or maybe its operations fall somewhere in that "gray area" between various industry-specific rules. Complicating the issue is the fact that neighboring states often take conflicting positions as to what alternative apportionment methods the same taxpayer should use for virtually identical operations in each location. The panelists will discuss the backgrounds of several recent alternative apportionment cases to place the topic in context, and will share real-world experiences and various approaches they have used when working cooperatively with state tax authorities to devise a more appropriate apportionment method better fitting the taxpayer's specific

circumstances. Participants are encouraged to bring and share their own experiences for a more open and helpful “working session” discussion.

At the end of this session, the attendee will be able to:

- Comprehend the various backgrounds of recent alternative apportionment cases
- Obtain various approaches while working with state tax authorities to devise a more appropriate apportionment method
- Share experiences along with hearing from other attendees related to alternative apportionment

Speakers:

William M. Backstrom, Jr., Esq.

Partner
Jones Walker LLP
New Orleans, Louisiana

Michael Dunavant, Esq.

Lead Tax Counsel
FedEx Corporation
Memphis, Tennessee

John F. Fletcher, Esq.

Partner
Jones Walker LLP
Jackson, Mississippi

10:00 a.m. – 10:15 a.m.

Break

10:15 a.m. – 11:45 a.m.

General Session
Taxing Foreign Income

This session will provide an analysis of the various "tax haven" laws currently in effect in the District of Columbia, West Virginia, Oregon and Montana. We will analyze the impact of these laws as well as the potential challenges to their validity and discuss various planning techniques. We will also discuss the likelihood of other jurisdictions such as Maine and Massachusetts passing similar laws.

At the end of this session, the attendee will be able to:

- Comprehend the trend towards taxing foreign income
- Identify the jurisdictions with "tax haven" laws and how they differ from one another
- Comprehend the impact of "tax haven" laws on apportionment, income and the overall tax calculation
- Identify potential challenges to the legislation and potential planning opportunities

Speakers:

Alysse McLoughlin, Esq.

Partner
McDermott Will & Emery LLP
New York, New York

Marilyn A. Wethekam, Esq.
Partner
Horwood Marcus & Berk Chartered
Chicago, Illinois

TUESDAY, NOVEMBER 11 (continued)

11:45 a.m. – 1:15 p.m. Lunch

1:15 p.m. – 2:30 p.m.

▣General Session

State Tax Trends - A Look Ahead - A Look at the Current and Potential Future Income Tax Trends from Around the Country

The year is 2019: the Cubs are defending World Series camps, Hillary Clinton is running for re-election, and the Rolling Stones are still touring. But, what about state income tax? This session will take a peek into the future to offer thoughts on what taxpayers can expect to see a few years down the road.

At the end of this session, the attendee will be able to:

- Hear about the income tax issues that taxpayers will likely face five years from now
- Identify income tax trends in order to anticipate potential problems and identify potential solutions
- Comprehend litigation positions that taxpayers and states are currently taking and the effect they might have on taxpayer positions in the future

Speakers:

Scott L. Brandman, Esq.
Partner
Baker & McKenzie LLP
New York, New York

David A. Hughes, Esq.
Partner
Horwood Marcus & Berk Chartered
Chicago, Illinois

2:30 p.m. – 2:45 p.m. Break

2:45 p.m. – 3:45 p.m.

▣General Session

State and Local Tax Advocacy: Creating ROI

Evaluate and respond to state tax policy issues by understanding how the right approach to advocacy can produce the best ROI for your company. Whether concerned about an assessment or regulatory and legislative action, tax and government affairs should be partnering to holistically evaluate and respond to key tax threats and opportunities. Identify your company's tax hopes and fears to coordinate an integrated response.

TUESDAY, NOVEMBER 11 (continued)

At the end of this session, the attendee will be able to:

- Identify the various mechanisms of tax advocacy
- Comprehend how tax advocacy can create return on investment similar other functions in an organization
- Be aware of how to use both internal and external partners for a comprehensive tax advocacy program

Speaker:

Joseph R. Crosby

Principal

Multistate Associates, Inc.

Alexandria, Virginia

3:45 p.m. – 4:00 p.m.

Break

4:00 p.m. – 5:00 p.m.

▣ **General Session**

One-Off Business Taxes – Texas, Ohio, Washington, Kentucky

This topic will discuss states with unique business taxes that present unique challenges and opportunities. A brief explanation of the basic tax structures will be provided, but the focus will be on recent audit issues, litigation, and legislative developments, plus a look into the crystal ball for predictions on where litigation and legislation may take these taxes in the future.

At the end of this session, the attendee will be able to:

- Be familiar with recent developments
- Be aware of tax refund opportunities
- Be aware of tax planning opportunities
- Be aware of recent and potential legislation

Speakers:

Mark A. Engel, Esq.

Partner

Bricker & Eckler LLP

West Chester, Ohio

Eric Hagenswold, Esq.

Partner

Scott, Douglass & McConnico, L.L.P.

Austin, Texas

Rachel A. Le Mieux, CMI, CPA

Partner

Peterson Sullivan LLP

Seattle, Washington

Mark F. Sommer, Esq.

Member

Frost Brown Todd LLC

Louisville, Kentucky

Allan R. Thompson, Esq.
Manager, Corporate Taxes
AK Steel Corporation
West Chester, Ohio

6:00 p.m. – 7:30 p.m.

Reception

Sponsored by:
Baker & McKenzie LLP

WEDNESDAY, NOVEMBER 12

6:45 a.m. – 8:00 a.m.

Continental Breakfast
(for attendees staying under IPT's hotel room block)

8:15 a.m. – 9:15 a.m.

General Session
Start Spreading the News: New York Tax Reform

This session will take a deep dive into the game-changing New York tax reforms corporate taxpayers will face starting in 2015.

At the end of this session, the attendee will be able to:

- Become familiar with New York's new economic nexus standard
- Comprehend New York's new combination requirements and election
- Hear about New York's various tax bases and income classifications now in place
- Comprehend the new market-based sourcing provisions
- Learn how to utilize the new and transition net operating loss rules

Speakers:

Leah Robinson, Esq.
Partner
Sutherland Asbill & Brennan LLP
New York, New York

Arthur R. Rosen, Esq.
Partner
McDermott Will & Emery LLP
Miami, Florida

9:15 a.m. – 9:30 a.m.

Break

9:30 a.m. – 10:30 a.m.

General Session
Southeast State Tax Administrators Panel

Maintaining a clear understanding of the constantly changing state income tax laws is a challenge faced by most taxpayers. Even those taxpayers that are able to keep up with changes in legislation might not be privy to the administrative policy states have related to certain issues. This session will provide an informal dialogue with state tax administrators from various

southeastern states. The administrators will share the views of their respective states on evolving state tax issues, audit practices and procedures, administrative policies, etc.

At the end of this session, the attendee will be able to:

- Will be made aware of the current trends in state taxation from the perspective of various State Departments of Revenue
- Comprehend the fiscal impact of changes in the sourcing regime and the drive toward market based sourcing
- Be made aware of the rationale behind some of the audit positions taken by states

Speakers:

Joe B. Huddleston, Esq., LL.D

Executive Director
Multistate Tax Commission
Washington, DC

Marshall C. Stranburg, Esq.

Executive Director
Florida Department of Revenue
Tallahassee, Florida

10:30 a.m. – 10:45 a.m.

Break

10:45 a.m. – 11:45 a.m.

General Session
Ethics for Tax Professionals

This session will provide an overview of the Model Rules of Ethics that affect Attorneys, CPAs, In-House and other Tax professionals, including excerpts from the ABA Model Rules, AICPA Standards, IRS Circular 230, and the IPT Code of Ethics. Practical application of the rules will be included through the use of scenarios adapted from real-life ethical dilemmas.

At the end of this session, the attendee will be able to:

- Comprehend the ABA Model Rules of Ethics relating to tax return preparation, conflicts of interest and fee splitting
- Comprehend the AICPA Statements of Standards for Tax Services as applied to preparation of tax returns
- Become familiar with the IPT Code of Ethics
- Apply the Ethical standards through analysis of practical examples

Speaker:

Glenn C. McCoy, Jr., Esq.

Director
KPMG LLP
New York, New York

11:45 a.m. - 12:00 p.m.

Symposium Closing Remarks

12:00 p.m.

Symposium Concludes

2014 Income Tax Symposium

Program Sponsors

DuCharme, McMillen & Associates, Inc.

Ernst & Young LLP

Madsen Goldman & Holcomb, LLP

Marvin F. Poer and Company

McGladrey LLP

Reed Smith LLP

Ryan

Ryan Law Firm, LLP

SC&H Group, LLC

Sutherland Asbill & Brennan LLP

Event Sponsors

Sunday Reception Sponsor

McDermott Will & Emery LLP

Monday Reception Sponsor

Morrison & Foerster LLP

Tuesday Reception Sponsor

Baker & McKenzie LLP

REGISTRATION

The IPT [registration form](#) is available on IPT's website at www.ipt.org. The form can be completed online, and then printed out for mailing, faxing, or emailing to IPT.

There is an early-bird discount of \$50 off the normal registration fee if the form is submitted by the October 10th deadline. The fee structure is as follows for registrations received by the IPT Office:

	By October 10 th	After October 10 th
Individual Personally Holds Membership in IPT:	\$595.00	\$645.00
Individual Not a Member; Company has Members	\$795.00	\$845.00

Any on-site registrations will incur a surcharge of \$50.00.

There is also a substitution charge of \$40 on or before October 24, 2014 or \$50 after that date (substitute must be someone from your company).

All registrations must be completed in advance of the Symposium. As well as covering the usual Symposium expenses, the fee includes the three evening receptions, two luncheons, refreshment breaks, and course materials. All spouses/social guests are charged additional fees. Admission to all social functions and sessions is by display of badge (tickets when applicable). Registration packets may be picked up at the IPT Registration Desk in the hotel between 4:00 p.m. and 7:30 p.m. on Sunday, November 9th.

CANCELLATION FEE / REFUNDS

Refunds, subject to a \$100 cancellation fee, will be made upon written notification of cancellation, which must be received by October 31, 2014, 5:00 pm EST. No refunds will be given after October 31, 2014.

Should you have any questions, please call 404-240-2300 or e-mail the Registrar, Toby Miller, at tmiller@ipt.org.

CREDIT CARDS/CHECKS

The Institute accepts the following credit cards: American Express, MasterCard and Visa. Please follow the instructions carefully on the IPT Registration Form if paying by credit card. Be sure to note, where indicated, the correct and **complete** billing address for the credit card if it differs from your registration address.

Make any checks payable to: Institute for Professionals in Taxation
and **mail to:**

Institute for Professionals in Taxation
1200 Abernathy Rd., NE, Suite L-2
Atlanta, GA 30328

HOTEL INFORMATION AND RESERVATIONS

The Income Tax Symposium is being held at the Marriott Harbor Beach Resort, 3030 Holiday Drive, Fort Lauderdale, Florida 33316. Phone: 954-525-4000. Reserve your accommodations directly with the Harbor Reach Resort by: calling the hotel's reservation center at 800-228-9290 (be sure to request a room in IPT's Symposium room block) or by using the hotel's website, [click here](#), and complete your online reservation.

IPT has a special negotiated Symposium room rate with the Marriott Harbor Beach Resort of \$209.00 per night plus applicable taxes. All reservations must be accompanied by a first-night's room deposit or guaranteed with a major credit card. Cancellations made within 72 hours of arrival will forfeit one night's room and tax. Make your reservations early to ensure availability. **Accommodations requested after October 10, 2014, or sooner if the block sells out, cannot be ensured.**

TRANSPORTATION

The Fort Lauderdale-Hollywood International Airport (FLL) is 6 miles from the hotel and the estimated taxi fare is \$20 USD (one way). The Miami International Airport (MIA) is 39 miles from the hotel and the estimated taxi fare is \$75 USD (one way). The hotel does not provide shuttle service.

CONTINUING EDUCATION CREDITS

The Institute for Professionals in Taxation® is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CPE Sponsors through its website: www.Learningmarket.org.

Approximately 18.5 continuing education credit hours (including 1 IPT ethics credit hour) are available for full program attendance, Monday through Wednesday. In accordance with the standards of the National Registry of CPE Sponsors, CPE credits have been granted based on a 50-minute hour. CMIs will obtain hour-for-hour continuing education credits for attendance.

As required by regulatory agencies, IPT must verify individual attendance at sessions in order to grant Continuing Education Credits. Each attendee's name badge has a unique bar code that identifies that individual. In order to obtain CE credit, the individual must have his or her bar-coded badge scanned during the first 15 minutes of each session. No credit for the session will be given to un-scanned attendees. Lost name badges should be reported immediately to the registration desk for a replacement. Each attendee will be able to request a copy of his or her scanned attendance (Certificate of Attendance) through the IPT website on the "My Participation" tab approximately two weeks after the end of the program.

IPT also files for credit with the Texas Department of Licensing and Regulation and will file this program with the Florida Bar. Many states have reciprocal agreements-it is up to each individual to check with the appropriate organization regarding information on obtaining CLE credit as an individual. Additional questions regarding CLE should be directed to Christina Webb via email at: cwebb@ipt.org. The number of CLE hours of credit awarded depends upon the organization/state.

SYMPOSIUM MATERIALS

Approximately a week prior to the program, speaker papers will be available online for access by program attendees. Click the Sign-In button in the upper right-hand corner of the home page and log in with your Username (Member/User ID #) and password; it will take you back to the home page. Click on your name in the upper right-hand corner, and then on the "My Participation" tab on the following page, where you will see meetings for which you are currently registered. Find the 2014 Income Tax Symposium program and go to the "Click Here" link on the right under Program Info to view and print available papers.

CONSENT TO USE OF PHOTOGRAPHIC IMAGES

Photos will be taken at this event. These may be published in IPT publications, multimedia presentations, website, LinkedIn and Facebook pages, as well as other IPT-related social media sites. Registration and attendance at, or participation in, IPT meetings or other activities constitutes agreement by the registrant/speaker/attendee to IPT's use and distribution of the registrant's, speaker's or attendee's image or voice in photographs, videotapes, electronic reproductions, and tapes of such events and activities.

Tape recording of sessions is not permitted.

DRESS

For the Symposium, business casual dress is appropriate throughout the daytime sessions.

<i>Prerequisites:</i>	<i>Minimum 3 years professional experience</i>
<i>Program Level:</i>	<i>Advanced</i>
<i>Recommended Field of Study:</i>	<i>Taxation & Regulatory Ethics</i>
<i>Instructional Method:</i>	<i>Group Live</i>
<i>Advance Preparation Required:</i>	<i>None</i>

2014 Income Tax Symposium Committee

Co-Chairs

Jordan M. Goodman, CMI, Esq.
Partner
Horwood Marcus & Berk Chartered
Chicago, Illinois

April M. Nevarez, CMI
Senior Manager - Income Taxes
XO Communications, LLC
Herndon, Virginia

Members

Karey W. Barton, CPA
President
Barton State Tax Consulting & Legislative
Analysis
Austin, Texas

Ray Langenberg, Esq.
Partner
Scott, Douglass & McConnico, L.L.P.
Austin, Texas

Rhonda E. Chancey, CPA
Tax Manager
Lattimore, Black, Morgan & Cain, P.C.
Chattanooga, Tennessee

Paul H. Masters, Esq.
Managing Counsel for State Tax Disputes
Shell Oil Company
Richmond, Texas

Karin Ecroyd, CPA
Director, State Tax Planning
Advanced Finance Group LLC
New York, New York

Bridget McCann, CPA
Senior Manager
Grant Thornton LLP
Edison, New Jersey

Christine M. Hanhausen, Esq.
Associate
Reed Smith LLP
Philadelphia, Pennsylvania

John J. Small, CMI, CPA
Senior Manager - State & Local Tax
Dixon Hughes Goodman LLP
Atlanta, Georgia

Seth Komitzky
Director - State and Local Tax
KPMG LLP
Philadelphia, Pennsylvania

Frank Yanover, Esq.
Sales & Property Tax Director, Senior Tax
Counsel
General Electric Capital Americas
Chicago, Illinois

Overall Chair, Income Tax Education

Duane W. Dobson, Jr., CMI, CPA
Director, State and Local Tax Practice
KPMG LLP
Tysons Corner, Virginia